

REMARKS

This constitutes Applicant's "submission" accompanying the concurrently filed Request for Continued Examination. In substance, this constitutes Applicant's Response to the Official Action currently outstanding in the above-identified application, which Official Action the Examiner has designated as being FINAL

Claims 1 and 3-14 were present in this application as of the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Claims 4 and 6 have been amended. Claims 1, 2 and 10-14 have been cancelled, without prejudice. No new claims have been added. Further, no new matter has been added to this application by virtue of the foregoing Amendment. Accordingly, Claims 4-9 as hereinabove amended will constitute the claims under active prosecution in this application upon the entry of the foregoing Amendment.

The claims of this application showing the changes made by this Amendment are shown above with appropriate status indicators as required by the Rules.

More specifically, it is noted that in the currently outstanding FINAL Official Action, the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC 119(a)-(d) or (f), and indicated that the required certified copies of the priority document have been received by the United States Patent and Trademark Office (Note: The Examiner indicates that the certified copy was filed in the parent of this application No. 2000-171597 on 06/08/2000, while in fact Japanese Application No. 2000-171597 filed on 06/08/2000 is the priority document for this application).
2. Indicated that the drawings as filed on 7 June 2001 are accepted;

3. Objected to Claims 1, 2 and 4-12 on the bases that:

in Claim 1, the terms “first region photodetector” and “second region photodetector” should be --first photodetector region-- and --second photodetector region-- respectively;

in Claim 6, line 1, the term “wherein” should be --further comprising--;

in Claim 6, line 6, the term “fourth region, and” should be --fourth region, and wherein--;
and

in Claim 12, line 4, the term “ the focal shift” should be --a focal shift--;

6. Rejected Claims 1, 2 and 10-14 under 35 USC 102(e) as being anticipated by the Saimi et al reference (U.S. Patent No. 6,430,137); and

5. Objected to Claims 4-9 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

Further comment in these Remarks regarding items 1-2 above is not considered to be necessary.

With respect to items 3-5, Applicant by the foregoing Amendment has canceled Claims 1, 2 and 10-14, without prejudice. Further, Applicant has rewritten Claim 4 in independent form including all of the limitations of Claim 1 from which it presently depends. Further, Applicant has in the course of incorporating the limitations of Claim 1 into Claim 4, amended the terms “first region photodetector” and “second region photodetector” to read --first photodetector region-- and --second photodetector region-- respectively. In addition, Applicant has amended Claim 6 such that at line 1 the term “wherein” is changed so as to read --further comprising--, and at line 6, the term “fourth region, and” is changed so as to read --fourth region, and wherein--.

Applicant respectfully submits that the foregoing Amendment places this application in condition for allowance. Specifically, rejected Claims 1, 2 and 10-14 are canceled, without prejudice. Also, Claims 4-9 are presented in independent form including all of the limitations of their respective base claims and any intervening claims (i.e., Claims 1 and 4 are combined, while Claims 5-9 depend directly or indirectly on allowable rewritten Claim 4). Further, the wording objected to by the Examiner in Claims 1 and 6 is changed so as to read as suggested by the Examiner.

Since the entry of the foregoing Amendment will render the Examiner's outstanding substantive rejections moot by the cancellation of the substantively rejected claims 1, 2 and 10-14, and since the foregoing amendment adopts all of the Examiner's suggestions concerning the changes to Claims 4-9 necessary to place those claims in condition for allowance, it is respectfully submitted that the claims of this application as they will stand upon the entry to the foregoing Amendment are in condition for allowance. Accordingly, entry of the foregoing amendment, reconsideration and the allowance of Claims 4-9 as hereinabove amended in response to this communication are respectfully requested.

Finally, Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: December 1, 2004

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